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4/5/2012

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

MAR 26 2012

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

(2)

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Juan Neely # K58826

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

12 C 2231

Judge Matthew F. Kennelly
Magistrate Judge Jeffrey Cole

Jane Doe #1 in her official and

individual capacity as med tech

Marcus Hardy in his individual

capacity as Warden and Jane Doe #2

in her individual and official

capacity as dentist

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: Juan Neely
- B. List all aliases: DeJuan Neely, Antwon White, Juan-C Neely
- C. Prisoner identification number: K58826
- D. Place of present confinement: Pinckneyville C-C
- E. Address: 5835 State Route 154 Pinckneyville, IL 62274

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Marcus Hardy
Title: Warden
Place of Employment: Stateville
- B. Defendant: Jane Doe #1
Title: Med-tech
Place of Employment: Stateville
- C. Defendant: Jane Doe #2
Title: Dentist
Place of Employment: Stateville

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1. On 8-12-10 plaintiff arrived at the receiving unit located inside of Stateville Correctional Center for court. 2. Plaintiff was screened by Defendant Jane Doe #1 Med tech. 3.) Defendant asked plaintiff of any health issues and plaintiff explained to Defendant about the swelling, bleeding, and excruciating pain of his abscess. 4.) Defendant expressed knowledge of problem but refused to inspect injury or refer plaintiff to dental personnel. 5.) Jane Doe #1 refused plaintiff Medical Service despite acknowledging the severity of injury. 6.) Jane Doe #1 stated that it was Stateville's policy not to treat inmates on court writs and plaintiff would have to wait to get medical attention once plaintiff got back to institution where plaintiff came from. 7.) On or about the 8-14-10 plaintiff sent Defendant Warden Marcus Hardy a grievance regarding the need for dental care which this defendant deemed was an emergency. 8.) On 8-15-10 plaintiff awoke with extremely painful swollen gums. 9.) Plaintiff complained to medtech but was informed that I'd have to wait until the

the morning of 8-16-10 because of the fact that there weren't anyone there to assist with my problem.

9.) On the morning of 8-16-10 plaintiff got an xray and was seen by Defendant dentist Jane Doe #2.

10.) Defendant dentist informed plaintiff that the problem was a draining abscess, which is a very serious medical issue.

11.) Defendant dentist gave plaintiff pain meds and antibiotics and informed plaintiff that he'd be on the extraction list.

12.) As soon as plaintiff's medication got low plaintiff sent several request to the dental department by nurses and med techs on every shift.

13.) Defendant dentist never prescribed plaintiff new meds, extracted any of the abscessed teeth, nor gave plaintiff

a follow up appointment.

14.) From 8-16-10 until 9-29-10 plaintiff never saw defendant dentist again.

15.) As a result, from approx 4-5 days after meds ran out

plaintiff's severe pain and infected reoccured.

16.) On or about 9-11-10 plaintiff sent defendant Marcus

Hardy a second emergency grievance concerning the

denial of medical treatment. Defendant deemed grievance

to be emergency in nature yet nothing was done

to ameliorate plaintiff's condition by Defendant Hardy

18.) As a result plaintiff suffered excruciating levels of pain when infection came back at Aprax 4-5 days when meds ran out at or about 8-23-10 and pain and suffering lasted until 3-22-11 which was when plaintiff had two teeth extracted by the outside oral surgeon by the original institution plaintiff came from.

18.a) at all times relevant to this action all Defendants were acting under color of state law.

18b.) Plaintiff has exhausted his administrative remedies

"Count 1 Diliberate Indifference"

Plaintiff was subjected to cruel and unusual punishment in violation of the Eighth Amendment to the US Constitution.

(19.) Plaintiff incorporates paragraphs 1 through 17 as though they were stated fully herein.

(20.) Defendants Jane Doe #1 and Jane Doe #2 as well as Defendant Warden Marcus Hardy violated Plaintiff's Eighth amendment right to be free from cruel and unusual punishment by denying plaintiff medical attention for a serious medical need, for time when infection pain re occurred at or about 4-5 days after meds ran out on or about 8-23-10 until plaintiff got two teeth extracted on 3-22-11, while being sent to oral surgeon by original institution.

COUNT II
Plaintiff was denied due Process under the Fourteenth amendment to the Constitution.

(20.) Plaintiff incorporates paragraphs 1 through 18 as though they were stated fully herein.

(1.) Defendants Warden Hardy, Jane Doe #1 Med tech, and Jane Doe #2 dentist violated Plaintiffs fourteenth amendment rights to due Process by continuously denying plaintiff medical attention.

9

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A.) Declare that the acts and omissions described herein violated plaintiff's rights under the U.S. Constitution;
 B.) Order Defendants to pay compensatory and punitive damages;
 C.) Order Defendants to pay reasonable attorney fees and cost;
 D.) Grant other just and equitable relief that this Honorable Court deems necessary.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 20 day of March, 2012

(Signature of plaintiff or plaintiffs)

Juan Neely

(Print name)

Juan Neely

(I.D. Number)

K58826

(Address)

5835 State Route 154

Pinckneyville, IL 62274

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IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Juan Neely
Plaintiff/Petitioner

Jane Doe #1 Vs. Medtech, Warden
Marcus Hardy, and dentist
Jane Doe #2
Defendant/Respondent

No. _____

PROOF/CERTIFICATE OF SERVICE

TO: Michael W. Dobbins
United States District Court North-
ern Dist of Ill - 219 S Dearborn
St. Chgo, IL 60604

TO: Warden Marcus Hardy
Jane Doe #1 Med tech, and Jane
Doe #2 Dentist; all located
at Stateville Correctional Center.

PLEASE TAKE NOTICE that on 3-20, 2012, I placed the
attached or enclosed documents in the institutional mail
at Pinebluffville Correctional Center, properly addressed to the
parties listed above for mailing through the United States Postal Service

DATED: 3-20-12

/s/ Juan Neely
Name: Juan Neely
IDOC#: 1458826
Address: 5835 State Route 154
Pinebluffville, IL 62274

Subscribed and sworn to before me this 19th day of March, 2012

Michele L. Crews
Notary Public

